

BEFORE THE BOARD OF COUNTY PRINTING
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PROPOSED
2.67.201 and 2.67.303 and repeal of) AMENDMENT AND REPEAL
ARM 2.67.301 and 2.67.302 pertaining)
to the Board of County Printing) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On September 14, 2009, the Board of County Printing proposes to amend and repeal the above-stated rules.

2. The Board of County Printing will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than Friday, August 14, 2009 by 5:00 p.m., to advise us of the nature of the accommodation that you need. Please contact Shannon Lewis, Department of Administration, 125 N. Roberts, Room 155, P.O. Box 200101, Helena, Montana 59620-0101; telephone (406) 444-2032; fax (406) 444-6194; or e-mail slewis@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

2.67.201 INCORPORATION OF MODEL RULES (1) The Board of County Printing ~~has adopted~~ adopts and incorporates by reference the Secretary of State's model rules ARM 1.3.301, 1.3.302, 1.3.304, 1.3.305, 1.3.307 through 1.3.309, and 1.3.311 through 1.3.313 in effect [effective date of amendment]. These rules define model requirements for rulemaking under the Montana Administrative Procedure Act. The rules may be found at <http://sos.mt.gov/>. ~~attorney general's model procedural rules, Model Rule 1 through Model Rule 28 and all subsequent amendments to the model procedural rules and incorporate herein those rules by reference.~~

AUTH: 2-4-201, MCA
IMP: ~~7-5-2404~~, 2-4-201, MCA

2.67.303 OFFICIAL PUBLICATIONS AND LEGAL ADVERTISING
MAXIMUM PRICES AND PRINTING STANDARDS (1) Rates for county legal advertising shall not be more than ~~\$9~~ \$11 for the first folio insertion and not more than ~~\$7~~ \$9 for each subsequent insertion.

~~(2) Subsection (1) will become effective on July 1, 2000.~~

~~(3) (2) That for the purpose of establishing a~~ The following is the basis of folio measurement, rule and figure work shall be determined as containing two or more sets of figures in the same line, for the computation of folios in the various sizes of

type when set in one standard newspaper column width of approximately two inches, when set in the following mentioned type sizes, shall constitute a folio:

- (a) 12 lines of solid six-point type, or 100 words;
- (b) 14 lines of solid seven-point type, or 100 words;
- (c) 15 lines of solid eight-point type, or 100 words;
- (d) 17 lines of solid nine-point type, or 100 words;
- (e) 18 lines of solid ten-point, type; or
- (f) 100 words.

(4) and (5) remain the same, but are renumbered (3) and (4).

~~(6) (5) For the purpose of determining the different sizes of type herein before mentioned, t~~The following point system measurements as universally used by the graphic arts industries shall be used prevail. For cComputing 72 points to a linear column inch, there shall be:

- (a) 12 lines of solid six-point type;
- (b) 10.285 lines of solid seven-point type;
- (c) nine lines of solid eight-point type;
- (d) eight lines of solid nine-point type;
- (e) 7.2 lines of solid ten-point type to each column inch.

AUTH: 7-5-2404, 18-7-404, MCA

IMP: 7-5-2411, 18-7-411, MCA

4. The board proposes to repeal the following rules:

2.67.301 POWERS AND DUTIES OF BOARD is found on page 2-6917 of the Administrative Rules of Montana.

AUTH: 7-5-2404, 18-7-404, MCA

IMP: 7-5-2404, 18-7-404, MCA

2.67.302 COUNTY COMMISSIONERS TO CONTRACT FOR COUNTY LEGAL ADVERTISING is found on page 2-6917 of the Administrative Rules of Montana.

AUTH: 7-5-2405, 18-7-405, MCA

IMP: 7-5-2411, 18-7-411, MCA

STATEMENT OF REASONABLE NECESSITY: The board is proposing to amend and repeal the above-stated rules to reflect the current rates for county legal advertising, repeal rules that unnecessarily repeat statute, and correct outdated language and format. The board voted to raise the current rates for county legal advertising during a board meeting held on May 9, 2008 after hearing testimony from the Montana Newspaper Association and the Montana Association of Counties stating that the rate increase is justified. The rate increase will affect all Montana Counties and there is not a reasonable way to establish the fiscal impact on counties because the impact is based on the number of advertisements a county places in any year.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action either orally or in writing, no later than 5:00 p.m. on August 31, 2009, to: Shannon Lewis, Department of Administration, 125 N. Roberts, Room 155, P.O. Box 200101, Helena, Montana 59620-0101; telephone (406) 444-2032; fax (406) 444-6194; or e-mail slewis@mt.gov.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Shannon Lewis at the above address no later than 5:00 p.m., August 31, 2009.

7. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be greater than 25 persons based on the number of Montana Counties.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the board or the Department of Administration.

9. An electronic copy of this proposal notice is available through the Board of County Printing's web site at <http://countyprinting.mt.gov>. The Board of County Printing strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Board of County Printing works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The rules in this notice are the first rules to implement HB 67 (2009). Notification was sent to the sponsor of HB 67 by an e-mail dated July 8, 2009, that the board was beginning work on revising the content of the above-stated rules. The bill sponsor was provided a copy of this notice on July 16, 2009.

By: /s/ Milton Wester
Milton Wester, Chair
Board of County Printing

By: /s/ Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State July 20, 2009.